

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLEN CRAIG,

Plaintiff,

- against -

TIME WARNER BOOK GROUP INC.

Defendant.

Docket No. 1:19-cv-00220

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Glen Craig (“Craig” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Time Warner Book Group Inc. (“Time Warner” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of two copyrighted photographs of blues singer BBKing, owned and registered by Craig, a professional music photographer. Accordingly, Craig seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Craig is a legendary professional music photographer having a usual place of business at 30-60 Crescent Street, 2C, Astoria, New York 11102.

6. Upon information and belief, Time Warner is a foreign business corporation duly organized and existing under the laws of the State of Delaware, with a place of business 1290 Avenue of the Americas, New York, New York 10104. Upon information and belief Time Warner is registered with the New York Department of State Division of Corporations to do business in the State of New York. At all times material, hereto, Time Warner published a book entitled the *BB King Photos, Mementos & Music From B.B. Kings Collection* (the “Book”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photographs

7. Craig photographed blues singer BBKing (the “Photographs”). A true and correct copy of the Photographs are attached hereto as Exhibit A.

8. Craig is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs was registered with the United States Copyright Office and was given registration number VAu1-159-683.

B. Defendant’s Infringing Activities

10. Time Warner published the Book which contained an insert with the Photographs. Screenshots of the Photographs in the Book are attached hereto as Exhibit B.

11. Time Warner did not license the Photographs from Plaintiff for its Book, nor did Time Warner have Plaintiff’s permission or consent to publish the Photographs on its Book.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)

(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Time Warner infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Book. Time Warner is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Time Warner be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;

3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded its costs and attorney's fees;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
January 8, 2019

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard P. Liebowitz, Esq.
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580
Tel: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Glen Craig